

ASSEMBLY BILL

No. 1661

Introduced by Assembly Member Norby

February 14, 2012

An act to amend Section 19576 of the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, as introduced, Norby. Horse racing: digital video disc and video replication.

Existing law governs horse racing in this state and vests in the California Horse Racing Board jurisdiction and supervision over meetings where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of those meetings. Existing law prohibits a person from using for a commercial purpose, and from furnishing to any other person either within or outside of the state for any commercial purpose, an audio or video recording of any quarter horse race occurring in this state without first securing the consent of the racing association conducting or holding the meeting, the organization representing horsemen and horsewomen participating in the meeting, and the board. A person who violates either of these prohibitions is guilty of a misdemeanor.

This bill would expand those prohibitions to additionally apply to a person who uses for a commercial purpose, or who furnishes to any other person either within or outside of the state for any commercial purpose, a digital video disc or any type of video replication of any quarter horse race occurring in this state without first securing consent as described above. By expanding the scope of existing crimes, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19576 of the Business and Professions
2 Code is amended to read:

3 19576. (a) No person may furnish an audio or video recording,
4 *digital video disc, or any type of video replication* of any quarter
5 horse race occurring in this state to any other person either within
6 or outside of the state for any commercial purpose, including the
7 use of the recording, *digital video disc, or other video replication*
8 in any type of video game, without first securing the consent of
9 the racing association conducting the meeting, the organization
10 representing horsemen and horsewomen participating in the
11 meeting, and the board.

12 (b) No person may use any audio or video recording, *digital*
13 *video disc, or any type of video replication* of any quarter horse
14 race occurring in this state for any commercial purpose without
15 first securing the consent of the racing association holding the
16 meeting, the organization representing horsemen and horsewomen
17 participating in the meeting, and the board.

18 (c) Any person whose consent is required under this section
19 may file and maintain an action in superior court to obtain an
20 injunction against the furnishing or commercial use of a recording,
21 *digital video disc, or other video replication* of a quarter horse
22 race in violation of this section.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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